AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application.

What is claimed is:

Claims 1-42. (Cancelled)

43. (Currently amended) A method for detecting the presence of a target nucleic acid sequence in a sample, ~~said~~ the method comprising: (a) adding to a sample suspected of containing ~~said~~ the target nucleic acid sequence, a fluorescently labelled probe specific for ~~said~~ the target sequence, and a DNA duplex binding agent which can absorb fluorescent energy from the fluorescent label on the probe, wherein emissions from the DNA duplex binding agent are not detectable in the context of the method ~~but which does not emit visible light~~, (b) subjecting the thus formed mixture to an amplification reaction in which the target nucleic acid is amplified, (c) subjecting ~~said~~ the sample to conditions under which the ~~said~~ probe hybridises to the target sequence, and (d) monitoring fluorescence from ~~said sample~~ the fluorescent label on the probe.

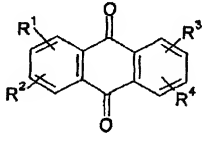
44. (Currently amended) ~~A method according to claim 43~~ The method of Claim 43 wherein the DNA duplex binding ~~agents~~ agent has a fused conjugated ring system.

45. (Currently amended) ~~A method according to claim 43~~ The method of Claim 43 wherein the DNA duplex binding agent is mitoxantrone (1,4-dihydroxy 5,8-bis[[2-[(2-hydroxyethyl) amino]ethyl]amino]-9,10-anthracenedione) or its salt such as the hydrochloride or dihydrochloride salt, or nogalamycin ~~(2R-(2α, 3β, 4α, 5β, 6α, 11β, 13α, 14α)]-11-[6-deoxy-3-C-mehtyl-2,3,4-tri-O-methyl-α.-L-mannopyranosyl)-oxy]-4-(dimethylamino)-3,4,5,6,9,11,12,13,14,16-decahydro-3,5,8,11,13-penta-hydroxy-6,13-~~

~~dimethyl-9,16-dioxo-2,6-epoxy-2H-naphthaceno[1,2-b]oxocin-14- carboxylic acid methyl ester) or daunomycin (8S, cis) 8-acetyl-10[3-amino-2,3,6-trideoxy-α-L-lyxo-hexopyranosyl) oxy] 7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-5,12-naphthacendione)~~ (2R-(2α, 3β, 4α, 5β, 6α, 11β, 13α, 14α)]-11-[6-deoxy-3-C-methyl-2,3,4-tri-O-methyl-α-L-mannopyranosyl) oxy]-4-(dimethylamino)-3,4,5,6,9,11,12,13,14,16-decahydro-3,5,8,11,13-penta- hydroxy-6,13-dimethyl-9,16-dioxo-2,6-epoxy-2H-naphthaceno[1,2-b]oxocin-14-carboxylic acid methyl ester) or daunomycin (8S,-cis)-8-acetyl-10[3-amino-2,3,6-trideoxy-α-L-lyxo-hexopyranosyl) oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-5,12-naphthacendione).

46. (Currently amended) ~~A method according to claim 45~~ The method of Claim 45 wherein the DNA binding agent is mitoxantrone.

47. (Currently amended) ~~A method according to claim 43~~ The method of Claim 43 wherein the DNA binding agent is a compound of formula (I)



(IA)

wherein R^1, R^2, R^3 and R^4 are independently selected from hydrogen, X, NH-ANHR and NH-A-N(O)R'R" where X is hydroxy, halo, amino, C_{1-4} alkoxy or C_{2-8} alkanoyloxy, A is a C_{2-4}alkylene group with a chain length between NH and NHR or N(O)R'R" of at least 2 carbon atoms and R, R' and R" are each independently selected from

C_{1-4}alkyl and C_{2-4}hydroxyalkyl and C_{2-4}dihydroxyalkyl, provided that a carbon atom attached to a nitrogen atom does not carry a hydroxy group and that no carbon atom is substituted by two hydroxy groups; or R' and R" together are a C_{2-6} alkylene group which, with the nitrogen atom to which R' and R" are attached for a heterocyclic ring having 3 to 7 atoms, with the proviso that at least one of R^1, R^2, R^3 and R^4 is a group NH-A-N(O)R'R".

48. (Currently amended) ~~A method according to claim 43~~ The method of Claim 43 wherein the target nucleic acid is rendered single stranded prior to hybridisation to the probe in step (c).

49. (Currently amended) ~~A method according to claim 43~~ The method of Claim 43 wherein the amplification reaction is the polymerase chain reaction (PCR).

50. (Currently amended) ~~A method according to claim 43~~ The method of Claim 43 wherein the probe hybridises with the target nucleic acid during every cycle of the amplification reaction.

51. (Currently amended) ~~A method according to claim 50~~ The method of Claim 50 wherein the fluorescence from the sample is monitored throughout the amplification reaction.

52. (Currently amended) ~~A method according to claim 51~~ The method of Claim 51 wherein fluorescence data generated is used to determine the rates of probe hybridisation.

53. (Currently amended) ~~A method according to claim 43~~ The method of Claim 43 wherein the fluorescence data is used to quantitate the amount of target nucleic acid present in the sample.

54. (Currently amended) ~~A method according to claim 43~~ The method of Claim 43 wherein the fluorescent label is a rhodamine dye, Cy5, fluorescein or a fluorescein derivative.

55. (Currently amended) ~~A method according to claim 43~~ The method of Claim 43 wherein the fluorescent label is attached at an end region of the probe.

56. (Currently amended) ~~A method according to claim 55~~ The method of Claim 55 wherein the fluorescent label is attached at the 3'end of the probe and prevents extension thereof by a polymerase.

57. (Currently amended) ~~A method according to claim 43~~ The method of Claim 43 wherein the probe is designed such that it is released intact from the target sequence during a phase of the amplification process other than the extension phase.

58. (Currently amended) ~~A method according to claim 43~~ The method of Claim 43 wherein the probe is released intact from the target sequence during the extension phase of the amplification process by the action of the polymerase, and the amplification reaction is effected using a polymerase which lacks 5'-3' exonuclease activity.

59. (Currently amended) ~~A method according to claim 43~~ The method of Claim 43 which comprises performing nucleic acid amplification on a target polynucleotide in the presence of (a) a nucleic acid polymerase, (b) at least one primer capable of hybridising to ~~said~~ the target polynucleotide, (c) an oligonucleotide probe which is capable of binding to ~~said~~ the target polynucleotide sequence and which contains a fluorescent label and (d) a DNA duplex binding agent which is capable of absorbing fluorescent energy from the ~~said~~ the fluorescent label, ~~and~~ wherein emissions of the DNA duplex binding agent are not

detectable in the context of the method ~~which does not emit light in the visible range of the spectrum;~~ and monitoring changes in fluorescence during the amplification reaction.

60. (Currently amended) ~~A method according to claim 59~~ The method of Claim 59 wherein the amplification is suitably carried out using a pair of amplification primers.

61. (Currently amended) ~~A method according to claim 59~~ The method of Claim 59 wherein the nucleic acid polymerase is a thermostable polymerase.

62. (Currently amended) ~~A method according to claim 59~~ The method of Claim 59 wherein in a further step, a hybridisation assay is carried out and a hybridisation condition which is characteristic of the sequence is measured.

63. (Currently amended) ~~A method according to claim 62~~ The method of Claim 62 wherein the condition is temperature, electrochemical potential, or reaction with an enzyme or chemical.

64. (Currently amended) ~~A method according to claim 63~~ The method of Claim 63 wherein the condition is temperature.

65. (Currently Amended) ~~A method according to claim 64~~ The method of Claim 64 which is used to detect allelic variation or a polymorphism in a target sequence.

66. (Currently amended) A method for determining a characteristic of a sequence, ~~said~~ the method comprising[[;]]: a) adding to a sample suspected of containing ~~said~~ the sequence, a fluorescently labelled probe specific for ~~said~~ the target sequence and a DNA duplex binding agent able to absorb fluorescence from a fluorescent label on the probe,

wherein the DNA duplex binding agent ~~but which~~ does not emit radiation in the visible range of the spectrum, (b) subjecting ~~said~~ the sample to conditions under which the ~~said~~ probe hybridises to the target sequence, (c) monitoring fluorescence from ~~said~~ the sample and determining a particular reaction condition, characteristic of ~~said~~ the sequence, at which fluorescence changes as a result of the hybridisation of the probe to the sample or destabilisation of the duplex formed between the probe and the target nucleic acid sequence.

67. (Currently amended) ~~A method according to claim 66~~ The method of Claim 66 wherein the reaction condition characteristic of ~~said~~ the sequence is temperature, electrochemical potential, or reaction with an enzyme or chemical.

68. (Currently amended) ~~A method according to claim 67~~ The method of Claim 67 wherein the condition is temperature.

69. (Currently amended) ~~A method according to claim 66~~ The method of Claim 66 wherein the results obtained from two sequences are compared in order to determine the presence of polymorphisms or variations therebetween.

70. (Currently amended) ~~A method according to claim 66~~ The method of Claim 66 wherein the DNA duplex binding agent is mitoxantrone (1,4-dihydroxy 5,8-bis([2-[(2-hydroxyethyl)amino]ethyl]amino]-9,10-anthracenedione) or [[it]] its salt such as the hydrochloride or dihydrochloride salt or nogalamycin ~~(2R-(2α, 3β, 4α, 5β, 6α, 11β, 13α, 14α)]11-[6-deoxy-3-C-mehtyl-2,3,4-tri-O-methyl-α-L-mannopyranosyl) oxy]-4-(dimethylamino)-3,4,5,6,9,11,12,13,14,16-decahydro-3,5,8,10,13-pentahydroxy-6,13-dimethyl-9,16-dioxo-2,6-epoxy-2H-naphthaceno[1,2-b]oxocin-14-c-arboxylic acid methyl ester)~~ (2R-(2α, 3β, 4α, 5β, 6α, 11β, 13α, 14α)]11-[6-deoxy-3-C-methyl-2,3,4-tri-O-methyl-α-L-mannopyranosyl) oxy]-4-(dimethylamino)-3,4,5,6,9,11,12,13,14,16-decahydro-3,5,8,10,13-pentahydroxy-6,13-dimethyl-9,16-dioxo-2,6-epoxy-2H-naphthaceno[1,2-

b]oxocin-14-carboxylic acid methyl ester) or daunomycin (8S,-cis)-8-acetyl-10[3-amino-2,3,6-trideoxy-α-L-lyxo-hexopyranosyl) oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-5,12-naphthacendione).

71. (Currently amended) ~~A method according to claim 66~~ The method of Claim 66 wherein the DNA duplex binding agent is a compound of formula (IA) as defined in claim 47.

72. (Withdrawn) A kit for use in the method according to claim 43, which kit comprises (i) a DNA duplex binding agent which is able to absorb fluorescent energy but which does not emit radiation in the visible range of the spectrum, and either (ii) a fluorescently labelled probe specific for a target nucleotide sequence, or (iii) one or more reagents necessary for conducting an amplification reaction.

73. (Withdrawn) A kit according to claim 72 which contains (iii) and wherein the reagents are selected from primers, DNA polymerase, buffers, or adjuncts known to improve PCR.

74. (Withdrawn) A kit according to claim 72 wherein the DNA duplex binding agent is mitoxantrone (1,4-dihydroxy 5,8-bis[[Z-[(2-hydroxyethyl)amino]ethyl]amino]-9,10-anthracenedione) or it salt such as the hydrochloride or dihydrochloride salt or nogalamycin (2R-(2α, 3β, 4α, 5β, 6α, 11β, 13α, 14α)]-11-[6-deoxy-3-C-mehtyl-2,3,4-tri-O-methyl-ax-L-mannopyranosyl) oxy]-4-(dimethylamino)-3,4,5,6,9,11,12,13,14,16-decahydro-3,5,8,10,13-pentahydroxy-6,13-dimethyl-9,16-dioxo-2,6-epoxy-2H-naphthaceno[1,2-b]oxocin-1- 4-carboxylic acid methyl ester).

75. (Withdrawn) A kit according to claim 72 wherein the DNA duplex binding agent is a compound of formula (IA) as defined in claim 47.

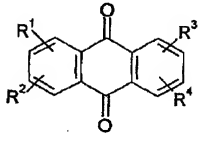
76. (Withdrawn) A kit according to claim 72 which comprises both (i) and (ii).

77. (Withdrawn) The use of a DNA duplex binding agent which can absorb fluorescent energy but which does not emit visible light in a method for detecting the presence of a target nucleic acid sequence in a sample by the amplification of said target nucleic acid.

78. (Withdrawn) The use according to claim 77 wherein the DNA duplex binding agent comprises a conjugated aromatic ring system.

79. (Withdrawn) The use according to claim 78 wherein the DNA duplex binding agent comprises an anthracyclin or anthraquinone.

80. (Withdrawn) The use according to claim 77 wherein the DNA duplex binding agent is an optionally substituted anthraquinone of structure (I)



(I)

where R^1, R^2, R^3 and R^4 are independently selected from hydrogen, a functional group, or a hydrocarbyl group optionally substituted by for example functional groups, or R^1 and R^2 or

R^3 and R^4 are optionally joined together to form a ring which optionally contains heteroatoms, and/or is optionally substituted by a functional group or a hydrocarbyl group.

81. (Withdrawn) The use according to claim 77 wherein the DNA duplex binding agent is mitoxantrone (1,4-dihydroxy 5,8-bis[[2-[(2-hydroxyethyl)amino]ethyl]amino]-9,10-anthracenedione) or it salt such as the hydrochloride or dihydrochloride salt or nogalamycin (2R-(2α, 3β, 4α, 5β, 6α, 11β, 13α, 14α)]-11-[6-deoxy-3-C-mehtyl-2,3,4-tri-O-methyl-α-L-mannopyranosyl) oxy]-4-(dimethylamino)-3,4,5,6,9,11,12,13,14,16-decahydro-3,5,8,10,13-pentahydroxy-6,13-dimethyl-9,16-dioxo-2,6-epoxy-2H-naphthaceno[1,2-b]oxocin-1- 4-carboxylic acid methyl ester).

82. (Withdrawn) The use according to claim 77 wherein the DNA duplex binding agent is a compound of formula (IA) as defined in claim 47.

83. (Withdrawn) The use according to claim 81 wherein the DNA duplex binding agent is mitoxantrone.

84. (Cancelled)

85. (New) The method of Claim 43 wherein the DNA duplex binding agent does not emit visible light.

86. (New) The method of Claim 66 wherein the DNA duplex binding agent does not emit visible light.